

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

SADRICK DONALDSON,)
Plaintiff,) Civil Action No. 04-257E
v.) Judge McLaughlin
UNITED STATES OF AMERICA,) Magistrate Judge Baxter
Defendant.) ELECTRONICALLY FILED

**DEFENDANT'S RESPONSE TO DISMISS PLAINTIFF'S MOTION TO PRODUCE
DOCUMENTS/ORDER COMPELLING DISCLOSURE OR DISCOVERY**

AND NOW, comes Defendant, United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for said district, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, files the following Response to Dismiss Plaintiff's Motion to Produce Documents/Order Compelling Disclosure or Discovery:

1. On September 14, 2005, Plaintiff filed his Motion to Produce Documents/Order Compelling Disclosure or Discovery. In it, Plaintiff asked this Court to make Defendant provide the documents he requested.
2. On October 24, 2005, this Court ordered Defendant to respond to the motion by October 29, 2005.
3. On October 5, 2005, counsel for the Defendant sent seventy-seven (77) pages of documents to Plaintiff in response to Plaintiff's Request for Documents (ten in number) addressed to former Warden John LaManna.

4. On October 31, 2005, counsel for the Defendant sent five hundred thirteen (513) pages of documents to Plaintiff in response, in part, to Plaintiff's second general Request for Documents (twenty-two in number). Defendant still owes some documents or a report of why no documents could be located to Plaintiff on eight (8) of the requests; these requests were for documents which, if still in existence, had been placed in storage by officials at FCI-McKean. Officials of the Bureau of Prisons have requested the documents to be sent to Philadelphia, and some, if not all, are expected to arrive the week of October 31, 2005-November 4, 2005. Documents will be transferred to Plaintiff upon receipt by the undersigned.
5. Defendant has now done what Plaintiff requested in relief: that documents be provided to him to allow him to prosecute the case (Plaintiff's Motion, para. 26). 590 pages of documents have been sent to Plaintiff, proof that Defendant has made considerable efforts to assemble those documents requested. The remaining documents requested by Plaintiff will be sent as soon as any are found in storage; a search of archive materials is underway and should be completed within the next week.

WHEREFORE, based upon the above, Plaintiff asks that this Court deny Plaintiff's Motion to Produce Documents/Order Compelling Disclosure or Discovery with prejudice.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Paul E. Skirtich
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant's Response to Dismiss Plaintiff's Motion to Produce Documents/Order Compelling Disclosure or Discovery was electronically filed and/or served by postage-paid U.S. Mail to and upon the following:

Sadrick Donaldson
Register No. 20102-018
FCI Allenwood
Post Office Box 2000, 4-B
White Deer, PA 17887-2000

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney

Dated: October 31, 2005